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EXAMINER

GREENHUT, CHARLES N

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 07/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/796,619

Applicant(s)

QUENZI ET AL.

Examiner

Charles N. Greenhut

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-57 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/24/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

I. Claim Objections

1. Claim 2 is objected to because of the following informalities: "is to" should read "to." Appropriate correction is required.

II. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 35, 42-43, and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHEELE (US 3,743,044).

1.1. With respect to claim 35, SCHEELE teaches a frame, at least two axles mounted to the frame, each axle having at least one wheel at opposite ends, the wheels and axles supporting the frame above ground, a deck, the deck pivotally mounted to the frame, the deck is pivotal relative to the frame about both a lateral and longitudinal axis, a rearward portion of the deck is attached to a pair of rearward supports, the rearward supports are pivotally mounted at a rearward portion of the frame at respective and opposite sides of a centerline of the frame, the rearward supports are pivotable relative to the frame portion about a lateral axis to vertically adjust the rearward portion of the deck relative to the frame, the rearward supports are independently extendable and retractable to pivot the deck about the longitudinal axis.

- 1.2. With respect to claim 42, SCHEELE teaches all elements of claim 35. SCHEELE additionally teaches a pair of rearward supports comprising a telescopic support, extendable and retractable via a pair of actuators positioned along the rearward support.
- 1.3. With respect to claim 43, SCHEELE teaches all elements of claim 35 and 42. SCHEELE additionally teaches a pair of rearward supports pivoted about a laterally extending axis via second actuators.
- 1.4. With respect to claim 45, SCHEELE teaches all elements of claim 35. SCHEELE additionally teaches the rearward supports are pivotable in unison.
2. Claims 46-47 and 51-54 are rejected under 35 U.S.C. 102(b) as being anticipated by HUMES (US 3,734,538).
 - 2.1. With respect to claim 46, HUMES teaches a frame, a deck attached to the frame, front and rear axles mounted to the frame, at least one wheel at opposite ends of the axles supporting the frame above ground, the front axle comprising a steerable axle mounted to an axle base that is pivotable about a vertical axis, a hitching member pivotally attached to a front portion of the frame and pivotable about a second vertical axis spaced forward from the first vertical axis, the hitching member movably attached to the axle base forward of the second axis such that pivotal movement of the hitching member causes pivotal movement of the axle about the first vertical axis.
 - 2.2. With respect to claim 47, HUMES teaches all elements of claim 46 and additionally teaches a hitching member movably attached to the axle base via a mounting member of the hitch extending through a slot in the base, the mounting member urging the axle base to pivot

moving along the slot when the hitching member pivots about the second axis. (Col. 2 Li. 45-50)

2.3. With respect to claim 51, HUMES teaches all elements of claim 46. HUMES additionally teaches a rear axle that is steerable about a third vertical axis.

2.4. With respect to claim 52, HUMES teaches all elements of claims 46 and 51. HUMES additionally teaches a rear axle that pivots, in response to the pivoting of the front axle, in a direction opposite the front axle.

2.5. With respect to claim 53, HUMES teaches all elements of claims 46, 51 and 52. HUMES additionally teaches a rear axle, interconnected with the front axle via at least one connecting member, the connecting member urging the rear axle to pivot in the second direction when the front axle pivots in the first, opposite, direction.

2.6. With respect to claim 54, HUMES teaches all elements of claim 46. HUMES additionally teaches a center axle positioned between the front and rear axles having at least one wheel on each end.

III. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-12, and 24, 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE (US 3,743,044) in view of PEWTERS (US 3,485,400).

1.1. With respect to claim 1, SCHEELE teaches a frame, at least two axles mounted to the frame, each axle having at least one wheel at opposite ends, the wheels and axles supporting the frame above ground, a deck, the deck pivotally mounted to the frame via a first and second support, the supports are independently operable to raise and lower respective portions of the deck relative to the frame, the deck is pivotable with respect to the frame about an axis extending longitudinally along the deck, the deck is pivotable with respect to the frame about an axis extending laterally across the deck. SCHEELE fails to teach a deck slidable along the first axis relative to one of the frame and the second support. PEWTERS teaches a deck slidable along the first axis relative to one of the frame and the second support. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the slidable deck of PEWTERS in order to move the load along the longitudinal axis of the deck.

1.2. With respect to claim 2, SCHEELE in view of PEWTERS teaches all the elements of claim 1. SCHEELE fails to teach a deck movable along the longitudinal axis, pivotable along the lateral axis, and engageable with the ground. PEWTERS teaches a deck movable along the longitudinal axis, pivotable along the lateral axis, and engageable with the ground. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the slidable,

pivotal and ground engaging deck of PEWTHERS in order to move the load along the longitudinal axis of the deck and aid in unloading of cargo.

1.3. With respect to claim 3, SCHEELE in view of PEWTHERS teaches all the elements of claim 1.

SCHEELE additionally teaches a deck pivotable about the longitudinal axis irrespective of a degree of pivotable movement about the lateral axis.

1.4. With respect to claim 4, SCHEELE in view of PEWTHERS teaches all the elements of claims 1

and 3. SCHEELE fails to teach a deck slidable along the longitudinal axis irrespective of a degree of pivotable movement about the lateral axis. PEWTHERS teaches a deck slidable along the longitudinal axis irrespective of a degree of pivotable movement about the lateral axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the slidable deck of PEWTHERS in order to move the load along the longitudinal axis of the deck.

1.5. With respect to claim 5, SCHEELE in view of PEWTHERS teaches all the elements of claim 1.

SCHEELE additionally teaches a boom pivotable with respect to the frame. SCHEELE fails to teach an extendable and retractable boom. PEWTHERS teaches an extendable and retractable boom. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the extendable and retractable boom of PEWTHERS in order to allow the deck to pivot about the lateral axis and move longitudinally.

1.6. With respect to claim 6, SCHEELE in view of PEWTHERS teaches all the elements of claims 1

and 5. SCHEELE fails to teach a boom that is extendable and retractable to longitudinally move the deck. PEWTHERS teaches a boom that is extendable and retractable to longitudinally move the deck. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the boom of PEWTHERS in order to move the deck longitudinally.

- 1.7. With respect to claim 7, SCHEELE in view of PEWTHERS teaches all the elements of claims 1, 5 and 6. SCHEELE fails to teach a boom that is extendable and retractable to longitudinally move the deck. PEWTHERS teaches a boom that is extendable and retractable to longitudinally move the deck. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the boom of PEWTHERS in order to move the deck longitudinally.
- 1.8. With respect to claim 8, SCHEELE in view of PEWTHERS teaches all the elements of claims 1, 5, 6 and 7. SCHEELE additionally teaches a second support pivotable about a laterally extending axis at the frame.
- 1.9. With respect to claim 9, SCHEELE in view of PEWTHERS teaches all the elements of claims 1, 5, 6, 7 and 8. SCHEELE additionally teaches a second support comprising a pair of supports attached to opposite sides of the deck centerline, and each support independently extendable and retractable to cause the deck to pivot about the longitudinal axis.
- 1.10. With respect to claim 10, SCHEELE in view of PEWTHERS teaches all the elements of claims 1, 5, 6, 7 and 8. SCHEELE fails to teach the second support slidably mounted to the deck and the deck is slidable relative to the second support to longitudinally adjust the deck relative to the frame. PEWTHERS teaches a second support slidably mounted to the deck and the deck is slidable relative to the second support to longitudinally adjust the deck relative to the frame. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the slidable second support and deck of PEWTHERS in order to position the cargo longitudinally.
- 1.11. With respect to claim 11, SCHEELE in view of PEWTHERS teaches all the elements of claims 1, 5, 6, 7, 8 and 10. SCHEELE fails to teach the deck is slidable relative to the second

support when the boom is extended or retracted. PEWTHERS teaches a deck that is slidable relative to the second support when the boom is extended or retracted. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the deck that is slidable whether the boom is extended or retracted of PEWTHERS in order to allow both longitudinal positioning of cargo and engagement of the deck with the ground in order to facilitate the loading and unloading of cargo.

1.12. With respect to claim 12, SCHEELE in view of PEWTHERS teaches all the elements of claims 1, 5, 6, 7, 8 and 10. SCHEELE additionally teaches a second support pivotable about the lateral axis at the frame in response to at least one actuator to vertically adjust a portion of the deck vertically relative to the frame.

1.13. With respect to claim 24, SCHEELE in view of PEWTHERS teaches all the elements of claim 1. SCHEELE fails to teach a deck that includes an adjustable platform portion at the end of the deck, the platform being pivotable about a lateral axis. PEWTHERS teaches a deck that includes an adjustable platform portion at the end of the deck, the platform being pivotable about a lateral axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with adjustable platform of PEWTHERS in order to retain the load on the deck and facilitate loading and unloading cargo from the ground.

1.14. With respect to claim 36, SCHEELE teaches all elements of claim 35. SCHEELE fails to teach the deck is slidably attached to the rear supports. PEWTHERS teaches the deck is slidably attached to the rear supports. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the slidable deck of PEWTHERS in order position the load longitudinally with respect to the frame.

- 1.15. With respect to claim 37, SCHEELE teaches all elements of claim 35. SCHEELE in view of PEWTERS teaches all elements of claim 36. SCHEELE fails to teach the rearward supports slide along the deck as the rearward supports are pivoted about the lateral axis. PEWTERS teaches the rearward supports slide along the deck as the rearward supports are pivoted about the lateral axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the slidable deck of PEWTERS in order position the load longitudinally with respect to the frame.
2. Claims 13-16, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of PEWTERS and further in view of HUMES (US 3,734,538).
 - 2.1. With respect to claim 13, SCHEELE in view of PEWTERS teaches all the elements of claim 1. SCHEELE in view of PEWTERS fails to teach front and rear steerable axles. HUMES teaches front and rear steerable axles. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTERS with the front and rear steerable axles of HUMES in order to improve vehicle maneuverability by decreasing the vehicle turn radius.
 - 2.2. With respect to claim 14, SCHEELE in view of PEWTERS teaches all the elements of claim 1. SCHEELE in view of PEWTERS and further in view of HUMES teaches all the elements of claim 13. SCHEELE fails to teach a rear steerable axle that is turned in a direction opposite to that of the front axle when the front axle is turned. HUMES teaches a rear steerable axle that is turned in a direction opposite to that of the front axle, when the front axle is turned. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTERS with the a rear steerable axle that is turned in a direction opposite to that of the

front axle, when the front axle is turned, of HUMES in order to improve vehicle maneuverability by decreasing the vehicle turn radius.

2.3. With respect to claim 15, SCHEELE in view of PEWTHERS teaches all the elements of claim

1. SCHEELE in view of PEWTHERS and further in view of HUMES teaches all the elements of claims 13 and 14. SCHEELE fails to teach a front axle mechanically connected to the rear axle such that pivotal movement of the front axle causes pivotal movement of the rear axle in the opposite direction. HUMES teaches a front axle mechanically connected to the rear axle such that pivotal movement of the front axle causes pivotal movement of the rear axle in the opposite direction. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTHERS with the front axle mechanically connected to the rear axle such that pivotal movement of the front axle causes pivotal movement of the rear axle in the opposite direction, of HUMES in order to improve vehicle maneuverability by decreasing the vehicle turn radius.

2.4. With respect to claim 16, SCHEELE in view of PEWTHERS teaches all the elements of claim

1. SCHEELE in view of PEWTHERS and further in view of HUMES teaches all the elements of claims 13, 14 and 15. SCHEELE fails to teach a front axle mechanically connected to the rear axle via an elongated member extending between the axles. HUMES teaches a front axle mechanically connected to the rear axle via elongated member extending between the axles. The elongated members in HUMES (Fig. 2 (114) and (178)) connect intermittent axles and do not connect the front directly with the rear as applicant does. The elongated member however is essentially the same in structure and in function as the elongated member disclosed by applicant. Removing the steering capabilities of the intermittent wheels in HUMES does not

patentably distinguish applicants invention. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTHERS with elongated member extending between the axles of HUMES in order to cause the rear axle to pivot in a direction opposite to the front axle thereby improving vehicle maneuverability by decreasing the vehicle turn radius.

2.5. With respect to claim 19, SCHEELE in view of PEWTHERS teaches all the elements of claim

1. SCHEELE in view of PEWTHERS and further in view of HUMES teaches all the elements of claims 13. SCHEELE fails to teach a trailer hitch pivotable to steer the front axle, pivotally attached to the frame about a vertical axis. HUMES teaches a trailer hitch pivotable to steer the front axle, pivotally attached to the frame about a vertical axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTHERS with the pivotable trailer hitch of HUMES in order to tug and steer the vehicle.

2.6. With respect to claim 20, SCHEELE in view of PEWTHERS teaches all the elements of claim

1. SCHEELE in view of PEWTHERS and further in view of HUMES teaches all the elements of claims 13 and 19. SCHEELE fails to teach a front axle assembly, pivotable about a vertical axis to steer the trailer. HUMES teaches a front axle assembly, pivotable about a vertical axis to steer the trailer. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTHERS with the pivotable front axis assembly of HUMES in order to steer the vehicle.

2.7. With respect to claim 21, SCHEELE in view of PEWTHERS teaches all the elements of claim

1. SCHEELE in view of PEWTHERS and further in view of HUMES teaches all the elements of claims 13, 19 and 20. SCHEELE fails to teach a hitch extending forwardly from the first pivotal axis, movably connected to a forward portion of the front axle assembly. HUMES teaches a

hitch extending forwardly from the first pivotal axis, movably connected to a forward portion of the front axle assembly. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTERS with the forwardly extending hitch of HUMES in order to tug and steer the vehicle.

2.8. With respect to claim 22, SCHEELE in view of PEWTERS teaches all the elements of claim 1. SCHEELE in view of PEWTERS and further in view of HUMES teaches all the elements of claims 13, 19, 20 and 21. SCHEELE fails to teach the vertical pivot axis of the hitch is positioned forward of the vertical pivot axis of the front axle assembly. HUMES teaches a vertical pivot axis of the hitch positioned forward of the vertical pivot axis of the front axle assembly. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTERS with the vertical pivot axis of the hitch positioned forward of the vertical pivot axis of the front axle assembly of HUMES in order to improve vehicle maneuverability by decreasing the turn radius of the towing vehicle and cargo carrying vehicle assembly.

3. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of PEWTERS, further in view of HUMES, and further in view of RICHNOW (US 3,096,995).

3.1. With respect to claim 17 and 18, SCHEELE in view of PEWTERS teaches all the elements of claim 1. SCHEELE in view of PEWTERS and further in view of HUMES teaches all the elements of claims 13. SCHEELE fails to teach at least one center axle, the center axle (claim 17) or the front and rear axles (claim 18) vertically adjustable relative to the frame between a lowered, load-bearing, position and a raised, non-load-bearing position. RICHNOW teaches at least one center axle, and an axle lift mechanism for vertically adjusting the axis relative to the frame between a lowered, load-bearing, position and a raised, non-load-bearing position. It

would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTHERS with the center axle and axle lift mechanisms of RICHNOW in order to decrease the rate of tire wear and/or enhance maneuverability and/or traction.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of PEWTHERS, and further in view of KALLANSRUDE (US 5,110,153).

4.1. With respect to claim 23, SCHEELE in view of PEWTHERS teaches all the elements of claim

1. SCHEELE fails to teach a deck comprising a conveyer. KALLANSRUDE teaches a deck comprising a conveyer. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of PEWTHERS with the deck comprising a conveyer of KALLANSRUDE in order to facilitate loading, unloading and maneuvering cargo.

5. Claims 25-28, 31, 33-34, 38-41, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of KISHI (US 4,694,930).

5.1. With respect to claim 25, SCHEELE teaches a frame, at least two axles mounted to the frame, each axle having at least one wheel at opposite ends, the wheels and axles supporting the frame above ground, a deck, the deck pivotally mounted to the frame via a boom member and at least one rear support, the boom member pivotally connected to the frame and at a forward portion of the deck, the rear support is mounted at a rear portion of the frame and a rearward portion of the deck the boom member is pivotable about an axis extending laterally across the deck to vertically adjust the forward portion of the deck relative to the frame, the boom member pivots about a laterally extending axis. SCHEELE fails to teach an extendable and retractable boom, the boom being pivotable via a first actuator attached to the boom and the frame member, the boom being extendable and retractable via a second actuator. KISHI teaches an

extendable and retractable boom, the boom being pivotable via a first actuator attached to the boom and the frame member, the boom being extendable and retractable via a second actuator. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the actuated extendable and retractable boom of KISHI in order to allow the deck to both pivot about the lateral axis and move longitudinally with respect to the frame.

5.2. With respect to claim 26, SCHEELE in view of KISHI teaches all the elements of claim 25.

SCHEELE additionally teaches the deck is pivotable relative to the boom or the frame about a longitudinal axis.

5.3. With respect to claim 27, SCHEELE in view of KISHI teaches all the elements of claims 25 and

26. SCHEELE additionally teaches the forward portion of the deck is pivotally attached to an end of the boom via a multi-axis connection that facilitates pivotal movement of the forward portion of the deck about at least two axes (Fig. 5).

5.4. With respect to claim 28, SCHEELE in view of KISHI teaches all the elements of claims 25, 26

and 27. SCHEELE fails to teach a boom comprising a telescopic member having a first member pivotally attached to the frame and a second member pivotally attached to the deck, the second member extendable relative to the first member by the second actuator to longitudinally adjust the deck relative to the frame. KISHI teaches a boom comprising a telescopic member having a first member pivotally attached to the frame and a second member pivotally attached to the deck, the second member extendable relative to the first member by the second actuator to longitudinally adjust the deck relative to the frame. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the telescoping boom, pivotally attached to the deck and the frame of KISHI in order to allow the deck to

maintain a generally horizontal orientation while moving vertically and longitudinally with respect to the frame.

5.5. With respect to claim 31, SCHEELE in view of KISHI teaches all the elements of claim 25.

SCHEELE additionally teaches the rear support pivotally mounted at a rear portion of the frame, the rear support pivotable relative to the frame portion about a second lateral axis.

5.6. With respect to claim 33, SCHEELE in view of KISHI teaches all the elements of claims 25 and

31. SCHEELE additionally teaches the rear is extendable and retractable to vertically adjust the rear portion of the deck relative to the frame.

5.7. With respect to claim 34, SCHEELE in view of KISHI teaches all the elements of claims 25 and

31. SCHEELE additionally teaches the rear supports comprise a pair of supports positioned on opposite sides of the frame and deck, the supports independently extendable and retractable to cause the deck to pivot about the longitudinal axis.

5.8. With respect to claim 38, SCHEELE teaches all the elements of claim 35. SCHEELE fails to

teach an extendable and retractable boom. KISHI teaches an extendable and retractable boom. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the extendable and retractable boom of KISHI in order to allow the deck to move longitudinally with respect to the frame.

5.9. With respect to claim 39, SCHEELE teaches all the elements of claim 35. SCHEELE in view of

KISHI teaches all the elements of claim 38. SCHEELE additionally teaches a boom member pivotally attached to the frame, the boom member pivoting about a second lateral axis at the frame to vertically adjust the forward position of the deck relative to the frame.

5.10. With respect to claim 40, SCHEELE teaches all the elements of claim 35. SCHEELE in view of KISHI teaches all the elements of claims 38 and 39. SCHEELE fails to teach rearward supports pivotable about a second lateral axis. KISHI teaches rearward supports pivotable about a second lateral axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the pivotable rearward supports of KISHI in order to allow the deck to maintain a generally horizontal orientation while moving vertically and longitudinally with respect to the frame.

5.11. With respect to claim 41, SCHEELE teaches all the elements of claim 35. SCHEELE in view of KISHI teaches all the elements of claims 38, 39 and 40. SCHEELE fails to teach rearward supports pivotable about a second lateral axis, to move the deck rearwardly toward and into contact with the ground. KISHI teaches rearward supports pivotable about a second lateral axis to move the deck toward the ground. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the pivotable rearward supports of KISHI in order to allow the deck to move toward the ground. While KISHI makes no specific mention of the deck making contact with the ground, the deck in KISHI would come into contact with the ground if it were of sufficient size to do so. It would have been obvious to one of ordinary skill in the art to make the deck of adequate dimensions to contact the ground if that feature is desired.

5.12. With respect to claim 44, SCHEELE teaches all elements of claim 35. SCHEELE fails to teach rearward supports, pivotable about the lateral axis at the frame to move and lower the deck relative to the frame.

6. Claims 29-30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of KISHI and in further view of PEWTHERS.

- 6.1. With respect to claim 29, SCHEELE in view of KISHI teaches all elements of claims 25, 26, 27 and 28. SCHEELE fails to teach the deck is longitudinally movable and pivotable about the lateral axis to move the deck in contact with the ground. PEWTHERS teaches a deck, longitudinally movable and pivotable about the lateral axis to move the deck in contact with the ground. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of KISHI with the deck, longitudinally movable and pivotable about the lateral axis of PEWTHERS in order to facilitate the loading and unloading of cargo.
- 6.2. With respect to claim 30, SCHEELE in view of KISHI teaches all elements of claim 25. SCHEELE fails to teach the deck is slidably mounted to at least one rear support, and the deck is slidable along the longitudinal axis. PEWTHERS teaches a deck, slidably mounted to at least one rear support, and slidable along the longitudinal axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of KISHI with the longitudinally slidable deck of PEWTHERS in order to allow positioning of the cargo along the longitudinal axis.
- 6.3. With respect to claim 32, SCHEELE in view of KISHI teaches all the elements of claims 25 and 31. SCHEELE additionally teaches a rear support pivotable about the lateral axis as the boom is pivoted about a lateral axis. SCHEELE fails to teach a rear support pivotally mounted to a bracket fixedly attached to the boom, the mounting bracket pivotal about the lateral axis. PEWTHERS teaches a rear support pivotally mounted to a bracket fixedly attached to the boom, the mounting bracket pivotal about the lateral axis. It would have been obvious to one of ordinary skill in the art to modify SCHEELE in view of KISHI with the pivoting rear support of

PEWTERS in order to allow pivoting of the deck about the lateral axis with respect to the frame and boom.

7. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of OLSON (US 3,684,108).

7.1. With respect to claim 48, SCHEELE teaches all elements of claim 46. SCHEELE fails to teach the hitching member pivotable about the second axis via an actuator. OLSON teaches a hitching member pivotable about the second axis via an actuator. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the actuator of OLSON in order to facilitate alignment of the hitching member with the towing vehicle.

7.2. With respect to claim 49, SCHEELE teaches all elements of claim 46. SCHEELE fails to teach the hitching member vertically adjustable with respect to the frame. OLSON teaches a hitching member vertically adjustable with respect to the frame. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the vertically adjustable hitching member of OLSON in order to facilitate alignment of the hitching member with the towing vehicle.

7.3. With respect to claim 50, SCHEELE teaches all elements of claim 46. SCHEELE fails to teach the hitching member vertically adjustable via an actuator. OLSON teaches a hitching member vertically adjustable via an actuator. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the actuator of OLSON in order to facilitate alignment of the hitching member with the towing vehicle.

8. Claims 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over SCHEELE in view of RICHNOW.

8.1. With respect to claim 55, SCHEELE teaches all elements of claims 46 and 54. SCHEELE fails to teach front, rear and center axles that are vertically adjustable relative to the frame. RICHNOW teaches front, rear and center axles that are vertically adjustable relative to the frame. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the axle lifts of RICHNOW in order to decrease the rate of tire wear and/or enhance maneuverability and/or traction.

8.2. With respect to claim 56, SCHEELE teaches all elements of claims 46 and 54. SCHEELE fails to teach a center axle that is raisable into a non-load-bearing position. RICHNOW teaches a center axle that is raisable into a non-load-bearing position. It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the axle lifts of RICHNOW in order to decrease the rate of tire wear and/or enhance maneuverability and/or traction.


8.3. With respect to claim 57, SCHEELE teaches all elements of claims 46 and 54. SCHEELE fails to teach a front and rear axle that is raisable into a non-load-bearing position. RICHNOW teaches a front and rear axle that is raisable into a non-load-bearing position (Col. 2 Li. 31-33). It would have been obvious to one of ordinary skill in the art to modify SCHEELE with the axle lifts of RICHNOW in order to decrease the rate of tire wear and/or enhance maneuverability and/or traction.

IV. Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles N. Greenhut whose telephone number is (571) 272-1517. The examiner can normally be reached on 7:30am - 4:00pm EST.

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2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
3. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GENE O. CRAWFORD
PRIMARY EXAMINER

CG